

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER O. SMITH,

Case No.: 2:20-cv-01108-JAD-DJA

Petitioner

v.

**Order Granting Motions to Seal and
Extend Time**

JERRY HOWELL, et al.,

[ECF Nos. 37, 40, 43]

Respondents

Various motions are pending in Christopher O. Smith’s 28 U.S.C. § 2254 action for a petition for writ of habeas corpus. First, respondents filed a motion for leave to file certain exhibits under seal.¹ While there is a presumption favoring public access to judicial filings and documents,² a party seeking to seal a judicial record may overcome the presumption by demonstrating “compelling reasons” that outweigh the public policies favoring disclosure.³ In general, “compelling reasons” exist where the records may be used for improper purposes.⁴ Here, respondents seek leave to file the presentence investigation report (PSI) and defendant’s statement.⁵ They explain that the PSI contains confidential information including social-security numbers and victim identifiers and that the defendant’s statement was given confidential treatment in state court. Because these reasons satisfy the sealing standard, the motion to seal is granted.

¹ ECF No. 37.

² See *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978).

³ *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (citations omitted).

⁴ *Id.* at 1179 (citing *Nixon*, 435 U.S. at 598).

⁵ ECF No. 37, p. 2.


1 Both parties have also filed motions for extension of time related to respondents' motion
2 to dismiss. Good cause appearing, the motions are granted.

3 IT IS THEREFORE ORDERED that respondents' motion for leave to file exhibits under
4 seal **[ECF No. 37] is GRANTED.**

5 IT IS FURTHER ORDERED that respondents' motion for extension of time to respond
6 to the petition **[ECF No. 40] is GRANTED *nunc pro tunc*.**

7 IT IS FURTHER ORDERED that petitioner's motion for extension of time to file an
8 opposition to the motion to dismiss **[ECF No. 43] is GRANTED.** Petitioner must file the
9 opposition by November 24, 2021.

10 Dated: October 29, 2021

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13 U.S. District Judge Jennifer A. Dorsey
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